

UNITED STATES DISTRICT COURT
for the
District of Arizona

In the Matter of the Search of
Property located at approximate GPS coordinates
33.115589, -110.106197 in Bylas, San Carlos Apache
Indian Reservation, Arizona

Case No. 21-3187MB
(Filed Under Seal)

ELECTRONICALLY ISSUED SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona:

As further described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

As set forth in Attachment B.

YOU ARE COMMANDED to execute this warrant on or before October 4, 2021 (not to exceed 14 days)
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized ☐ for ___ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: Sept. 20, 2021 @ 1:53 PM M Morrissey

Judge's signature

City and state: Phoenix, Arizona

Honorable Michael T. Morrissey, U.S. Magistrate Judge
Printed name and title

AO 93 (Rev. 01/09) Search and Seizure Warrant (Page 2)

RETURN

Case No.:

Date and Time Warrant Executed:

Copy of warrant and inventory left with:

Inventory Made in the Presence of:

Inventory of the property taken and name of any person(s) seized:

CERTIFICATION

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature_____
Printed name and title

ATTACHMENT A – PLACE TO BE SEARCHED

ADDRESS/DESCRIPTION OF LOCATION: The property of Mary Loo Laparo, specifically the exterior of the house and outbuilding/ brown shed-like structures in Bylas, San Carlos Apache Indian Reservation, Arizona, with approximate GPS coordinates listed below for the property described in ATTACHMENT B.

DESCRIPTION OF RESIDENCE: The property includes a residential structure that is light in color. The property also includes a brown small, shed-type structure closest to the highway and other small, shed-like structures behind the main house.

APPROXIMATE GPS COORDINATES: 33.115589, -110.106197.

PHOTOS ATTACHED: Yes















ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Clothing of Marvin Tona, a.k.a “Chili Boy” (Tona), located near a brown shed on the property of Tona’s mother, Mary Loo Laparo, as fully describe in **ATTACHMENT A.**

UNITED STATES DISTRICT COURT
for the
District of Arizona

In the Matter of the Search of
Property located at approximate GPS coordinates
33.115589, -110.106197 in Bylas, San Carlos Apache
Indian Reservation, Arizona

Case No. 21-3187MB

ELECTRONICALLY SUBMITTED APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

As further described in Attachment A

located in the District of Arizona, there is now concealed:

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. §§ 1111 & 1153	Murder

The application is based on these facts:

See attached Affidavit of Bureau of Indian Affairs Special Agent Clifford R. Pool

☒ Continued on the attached sheet.

☐ Delayed notice of ___ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Thomas Simon TS

CLIFFORD POOL

Digitally signed by CLIFFORD POOL
Date: 2021.09.20 12:03:45 -07'00'

Applicant's Signature

Special Agent Clifford R. Pool, Bureau of Indian Affairs

Printed name and title

M Morrissey

Judge's signature

Sworn to before me telephonically.

Date: September 20, 2021

City and state: Phoenix, Arizona

Honorable Michael T Morrissey, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A – PLACE TO BE SEARCHED

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APPROXIMATE GPS COORDINATES: 33.115589, -110.106197.

PHOTOS ATTACHED: Yes















ATTACHMENT B – THINGS TO BE SEARCHED FOR AND SEIZED

1. Clothing of Marvin Tona, a.k.a “Chili Boy” (Tona), located near a brown shed on the property of Tona’s mother, Mary Loo Laparo, as fully describe in **ATTACHMENT A.**

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELECTRONICALLY SUBMITTED AFFIDAVIT

I, Clifford R Pool, Special Agent of the Bureau of Indian Affairs (BIA), state under oath as follows:

1. Your Affiant has been a Special Agent (SA) with the BIA since November 2019 and in the BIA since 2011 as a patrol officer, K-9 handler, and Supervisory Police Officer. Your Affiant has investigated homicides, assaults, sexual assaults, and child abuse cases, both as the case agent and as a co-case agent.

2. The statements contained in this Affidavit are based in part on information provided to your Affiant, by other law enforcement officers, and witnesses. Your Affiant also relies on his experience, training, and background as a Special Agent with the BIA in evaluating this information, and on your Affiant's own work on this case.

3. Because this Affidavit is being submitted for the limited purpose of obtaining a search warrant, your Affiant has not included every fact known to your Affiant concerning this investigation. Your Affiant has set forth only the facts that your Affiant believes are necessary to establish probable cause for a search warrant. The investigation is active and ongoing.

Introduction

4. This case involves the homicide of male, R.R. on September 5, 2021. R.R. was found deceased in a residence on the San Carlos Apache Indian

Reservation (Indian Country) in the District of Arizona. R.R. had what appeared at the time to be puncture wounds to the right chest and left upper arm area. Based on a September 8, 2021 autopsy, however, these wounds are now known to be wounds related to a gunshot.

5. Your Affiant makes this affidavit in support of a search warrant for the clothing worn by Marvin Tona, a.k.a “Chili Boy,” during the shooting of R.R. and burned by Tona near a brown shed on the property of Tona’s mother, Mary Loo Laparo. Tona, an enrolled member of the San Carlos Apache Tribe who lives at the residence, is believed to have been involved in R.R.’s death. The Mary Loo Laparo’s property is fully described in **Attachment A**. The things to be searched for and seized pertain to the investigation of the death of R.R., in violation of 18 U.S.C. §§ 1111 and 1153 or 1152, Murder. The things to be searched for and seized from the residence are specifically described in **Attachment B**.

Investigation

6. On September 5, 2021, at approximately 3:57 pm, the Bureau of Indian Affairs/Criminal Investigations Unit responded to the residence at 297 Black Point in Bylas, San Carlos Apache Indian Reservation, Arizona, concerning a suspicious death. The investigation revealed that R.R., O.R., C.R., and M. (last name unknow) are believed to live at the residence.

7. San Carlos Police Department (SCPD) had received a call from a female, O.R., about a deceased individual. When SCPD officers first arrived, they

found O.R. crying and holding half a scissor in the corner of the back bedroom on the northwest side of the residence. The deceased individual, later identified as R.R. by a relative, was laying on the ground in the same room. R.R. was pronounced dead at 4:03 p.m. by a doctor.

8. Your Affiant and another BIA Agent conducted a preliminary investigation and located what appeared to be puncture wounds on R.R.'s right side and left arm and shoulder. O.R. who had lived at the residence for 30 days, gave consent for law enforcement to search and collect evidence and cellular devices. Your Affiant collected evidence including the half scissor, knives, O.R.'s clothes, three cellular phones, and swabs of blood near R.R.'s body. A SCPD officer noticed a shell casing under R.R.'s body but the casing was not collected.

9. On September 5, 2021, O.R. was detained in a SCPD patrol unit and was interviewed by agents after waiving her *Miranda* rights. O.R. indicated that R.R. was her boyfriend and they got into an argument the night before about R.R. sleeping with another woman. R.R. was drunk. O.R. and R.R. consumed meth and barricaded themselves in the house. During this time, R.R. admitted to cheating on O.R.

10. O.R. indicated that other people were around on the evening of September 4, but she didn't know most people's names. She stated somebody called "G" sells drugs there sometimes. O.R. said that people come and go at the residence. The people at the residence support each other's drinking and drug use.

11. O.R. said she saw R.R. alive about 7:30-8:00am on September 5, 2021.

O.R. stated that she left the residence on the morning of September 5, 2021 to wash clothes at the W. residence. When O.R. returned home, O.R. called for R.R. but he didn't answer.

12. O.R. thought R.R. was passed out and called for him again. She went to the back bedroom and discovered R.R. deceased. O.R. called 911 and grabbed part of a scissor until police arrived.

13. O.R. claimed that before police arrived, "guys" arrived and asked if O.R. was alright. O.R. could not identify the individuals and stated they walked off.

14. Your Affiant asked O.R. about the quantity of drugs she had taken that day or the day before. O.R. said she does not know how to determine amounts but stated she took one line. O.R. was introduced to meth 30 days ago. Last time she took meth was last night (meaning September 4, 2021) around 7:00 pm. Somebody named "Chubby" brought over meth and they all shared it. O.R. also drank different types of alcoholic beverages.

15. On September 6, 2021, your Affiant and an FBI Special Agent again interviewed O.R. outside her residence. O.R. was not in custody and was not provided *Miranda* advisement.

16. O.R. stated she suspects "Chili Boy" and "G" killed R.R. Chili Boy is a hitman for anybody who is owed money. O.R. stated that Chili Boy showed up at her residence and O.R. thought she or someone else was going to be killed that day. O.R. thought she was going to be killed because she tried to stop the drinking and

girls coming to the house, so people didn't like her. O.R. said Chili Boy had a knife and G had a gun with him. O.R. stated that Chili Boy went to the back bedroom with a knife, but also stated that she did not see Chili Boy go into the back bedroom.

17. O.R. took a shower while Chili Boy and G were with R.R. M., who stays in a room on the eastside of the house, was getting ready to leave. O.R. heard scuffling in the room where R.R. was found dead. O.R. heard the air mattress move around. O.R. heard one gunshot but did not see who shot it. O.R. said G, Chili Boy, R.R., and a guy dressed in red were in the residence. O.R. heard the gunshot, heard people running out, and was scared. Your Affiant asked O.R. why she didn't call the police and she said she was scared.

18. O.R. said that after the gunshot, she went to the W. residence where she was going to do laundry.

19. After speaking with O.R. on September 6, 2021, O.R. granted Affiant permission to enter 297 Black Point. Your Affiant located C.R. inside the residence and interviewed him. C.R. was not in custody and was not provided *Miranda* advisement.

20. C.R. said that R.R. owed G approximately \$3,000 for drugs. G and Chili Boy came over on the day of R.R.'s death. Chili Boy told C.R. to get out of the house and gave C.R. the heads up to leave. C.R. said that after he left, he heard a gunshot coming from the house.

21. As your Affiant was leaving the residence, C.R. told an SCPD officer

he removed a knife from O.R.'s pocket and it fell on the ground on a dirt road. An SCPD officer found the knife in the general location identified by C.R. Your Affiant observed a blood-like substance on the blade of the knife and collected the knife as evidence.

22. On September 7, 2021, your Affiant interviewed R.W., who lives at the location where O.R. stated she had gone on September 5, 2021 to do laundry. R.W. indicated she is scared of O.R. and does not want O.R. at her residence. O.R. changed and is on meth now. R.W. stated that J.W. told her, that O.R. told J.W., something to the effect of "they made me do it." Your Affiant not yet been able to locate J.W. to verify whether O.R. made this statement or O.R.'s exact words.

23. Your affiant attended the autopsy of R.R. on September 8, 2021. It was determined R.R. died by one gun shot. One bullet had entered R.R.'s left upper arm, passed through the heart and lung exiting through the right chest area. The medical examiner determined that the manner of death was homicide.

24. On September 8, 2021, your affiant received information from a SCPD detective that C.R. stated O.R. cleaned the room R.R. died in and stated she intended to give a shell casing to Chili Boy. According to C.R., C.R. was in the bathroom and saw a 45 casing. C.R. said, "what the fuck" and picked up the casing. O.R. said to give it to her, and O.R. stated she was going to give it to Chili Boy. O.R. stated she is trying to leave and plans to go to another city.

25. On September 10, 2021 Your Affiant and an FBI Special Agent

interviewed Marvin Tona, a.k.a, Chili Boy, at the San Carlos Detention Facility. Marvin Tona admitted to shooting R.R. Tona stated it was in self-defense. Tona had a fight with R.R. then Tona left and came back with the 45 gun and shot R.R.

26. On September 14, 2021, your Affiant and a BIA Special Agent again interviewed Tona at the San Carlos Detention Facility. Tona agreed to show agents where in Bylas he had discarded the gun used to shoot R.R. Tona stated he went to the river after shooting R.R. and dropped the gun along with losing his shoes because the current was too fast. Tona swam along the river. Tona pointed out where at the river he dropped the gun. Tona had stated he had burnt his clothes worn during the shooting near a brown shed at his mother Mary Loo Laparo's residence.

27. Law Enforcement have had several calls for service at the Mary Loo Laparo residence. Your Affiant spoke with an SCPD officer who is related to Marvin Tona, a.k.a, Chili Boy and knows Tona to reside at the property listed in **Attachment A**. The legal owner of the residence is Mary Loo Laparo, who is Marvin Tona, a.k.a Chili Boy's mother, according to tribal authorities.

Things to be Searched for and Seized

28. Based on the foregoing, your Affiant is seeking a search warrant to search the exterior residence described in **Attachment A** for evidence pertaining to the investigation into the death of R.R., specifically Marvin Tona's clothing located near a brown shed at his mother Mary Loo Laparo's residence, as further described in **Attachment B**.

Conclusion

29. This affiant was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. Based on the foregoing, your affiant believes there is probable cause to support that a violation of federal law occurred as described above. Your Affiant respectfully submits that there is probable cause to believe that evidence described in **Attachment B** will support an investigation related to violation of 18 U.S.C. 1111 and 1153 or 1152.

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.

Executed on September 8, 2021

CLIFFORD POOL Digitally signed by CLIFFORD POOL
Date: 2021.09.20 12:04:39 -07'00'

Clifford R Pool
Special Agent
Bureau of Indian Affairs

✓ Sworn by Telephone

Date/Time: September 20, 2021

M Morrissey

Michael T. Morrissey
United States Magistrate Judge